

Application No. 09/851,514
Response to OA of 02/28/2005

Remarks

In the present response, two claims (11 and 17) are amended. Claims 1-2 and 4-20 are presented for examination.

I. Claim Rejections: 35 USC § 103

Claims 1-2 and 4-20 rejected under 35 USC § 103(a) as being unpatentable over USPN 5,848,396 (Gerace) in view of USPN 5,406,477 (Harhen) and USPN 5,687,322 (Deaton). Applicants respectfully traverse.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicants assert that the rejection does not satisfy these criteria.

Elements of Independent Claims Not Taught or Shown

The independent claims recite numerous recitations that are not taught or suggested in Gerace in view of Harhen and Deaton. Recitations of claim 1 are selected for discussion. For example, claim 1 recites (emphasis added):

said campaign plan being defined to **automatically detecting contradictions** between said constraints and other aspects of said entered management information, **automatically identifying resolutions** to said contradictions, and implementing said resolutions in said campaign plan.

Nowhere do Gerace, Harhen, and/or Deaton teach or suggest the noted recitations. On page 6, the Office Action makes the following admission:

Gerace does not explicitly disclose automatically detecting contradictions between said constraints and other aspects of said entered management information;

Application No. 09/851,514
Response to OA of 02/28/2005

automatically identifying resolutions to said contradictions, and
implementing said resolutions in said campaign plan.

Applicants agree with this admission. The Office Action, however, attempts to cure these deficiencies with Harhen. Applicants respectfully disagree.

The Office Action cites several locations in Harhen for teaching the noted recitations. For example, for teaching the noted recitations, the Office Action cites Harhen col. 14, lines 52-28, reproduced below (emphasis added):

The present invention presents an architecture that **allows the user to declare** the known conceptual relationships that describe his or her planning domain. Through progressive refinement of this conceptual map, **the user, in his interaction with the system,** approaches an understanding of the implications and contradictions of such a network of knowledge. In this manner, he deepens his knowledge of the planning context. (Col.14, lines 50-59).

This section of Harhen teaches that **the user** interacts with the system for understanding the contradictions. Applicants respectfully submit that this section of Harhen teaches away from the recitations in the claims. Nowhere does this section of Harhen teach or suggest automatically detecting contradictions of management information, automatically identifying resolutions to the contradictions, and implementing the resolutions in the campaign plan.

As another example, for teaching the noted recitations, the Office Action cites Harhen col. 41, lines 11-20, reproduced below (emphasis added):

More than one statement, such as an opinion, may be attached to a variable. Each statement results in a separate intermediate hypothesis and all are evaluated in the reconciliation process.
Thus, the system supports contradictory opinions in making a variable projection. As all statements are considered to be

Application No. 09/851,514
Response to OA of 02/28/2005

axiomatic equally, the reconciliation process looks to other factors beyond the proof values such as the date of the opinion (with the latest being most valuable), to solve conflicts.

This section of Harhen teaches that the system supports contradictory opinions in making a variable projection. This section of Harhen does not teach or suggest automatically identifying resolutions to contradictions of management information and then **implementing the resolutions in the campaign plan.**

Further, claim 1 recites "a campaign plan for allocating presentations of a plurality of promotions among said customers." The claim then recites "implementing said resolutions in said campaign plan." Harhen does not teach or suggest a campaign plan for allocating presentations of a plurality of promotions to customers and implementing resolutions in the campaign plan. By contrast, Harhen teaches a computer-based method for enterprise analysis so a user can generate value projections (see Abstract and Summary). Harhen does not teach or suggest a campaign plan of promotions among customers and then implementing resolutions in the campaign plan of promotions.

For at least these reasons, Gerace in view of Harhen and Deaton does not teach or suggest all of the recitations in claim 1. Independent claims 11 and 17 recite some similar recitations as recited in claim 1. Thus, for at least the reasons given in connection with independent claim 1, independent claims 11 and 17 are allowable over Gerace in view of Harhen and Deaton.

A dependent claim inherits the recitations of an independent claim. Thus, for at least the reasons given in connection with independent claims 1, 11, and 17, all dependent claims are allowable over Gerace in view of Harhen and Deaton.

No Suggestion or Motivation to Combine Gerace and Harhen

On page 6, the Office Action makes the following admission:

Gerace does not explicitly disclose automatically detecting contradictions between said constraints and other aspects of said entered management information;

Application No. 09/851,514
Response to OA of 02/28/2005

automatically identifying resolutions to said contradictions, and
implementing said resolutions in said campaign plan.

Applicants agree with this admission. The Office Action, however, attempts to cure these deficiencies with Harhen. Applicants respectfully disagree since no suggestion or motivation exists for combining Gerace and Harhen.

Gerace teaches a method and apparatus for determining behavior or psychographic profile of a computer user. To accomplish this, Gerace teaches "a tracking and profiling member for recording user activity" (see col. 2, lines 6-11). Nowhere does Gerace teach, suggest, or even contemplate automatically detecting contradictions of management information, automatically identifying resolutions to the contradictions, and implementing the resolutions in the campaign plan.

Harhen teaches a computer-based method for enterprise analysis that a user can use to generate value projections (see Abstract). Harhen teaches using the computer-based method for solving deficiencies in strategic planning in manufacturing (see col. 4, lines 32-36). Unlike Gerace, nowhere does Harhen teach or suggest a method or apparatus for determining behavior or psychographic profiles of a computer user. Thus, **Gerace and Harhen are directed to solving completely different problems.**

Harhen does mention the phrase "the system supports contradictory opinions in making a variable projection" (see col. 41, lines 15-16). Nowhere does Harhen teach or suggest automatically detecting contradictions of management information, automatically identifying resolutions to the contradictions, and implementing the resolutions in the campaign plan. Instead, the contradictory opinions in Harhen are for making a variable projection.

In short, Harhen and Gerace are directed to different problems and solutions. No motivation exists in the references for combining the teachings. For at least these reasons, the claims are allowable over Gerace in view of Harhen and Deaton.

Application No. 09/851,514
Response to OA of 02/28/2005

No Expectation of Success

Even assuming arguendo that the combination of Harhen and Gerace is proper (which it is not), the combination does not teach or suggest the recitations of the claims.

As noted above, Harhen merely teaches that a system can support contradictory opinions in making a variable projection. Gerace is completely silent on detecting and identifying contradictions and on implementing resolutions. Further, Harhen does not teach or suggest that resolutions to contradictions are implemented in a promotion campaign plan directed to customers. New elements and significant substitutions would have to be made to Gerace and/or Harhen to arrive at the claimed recitations. Further, this combination would not yield a reasonable expectation of success for automatically detecting contradictions of management information, automatically identifying resolutions to the contradictions, and implementing the resolutions in the campaign plan.

For at least these reasons, the claims are allowable over Gerace in view of Harhen and Deaton.

Application No. 09/851,514
Response to OA of 02/28/2005

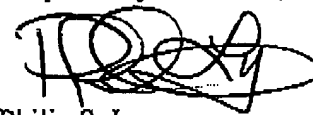
CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 703-872-9306 on this 31st day of May, 2005.

By: 
Name: Be Henry